



**FEDERAL ELECTION COMMISSION**  
WASHINGTON, D.C. 20463

Ena Breaux

**FEB 01 2012**

Houma, LA 70360

RE: MUR 6234  
Ena Breaux

Dear Ms. Breaux:

By letter dated June 28, 2011, the Federal Election Commission ("Commission") notified you, that on June 29, 2010, based on a complaint filed by Citizens for Responsibility and Ethics in Washington, the Commission found reason to believe that "Unknown Respondents" may have violated 2 U.S.C. § 441f in connection with certain contributions made to the Friends of Mary Landrieu, Inc. This letter notified you that, in the course of carrying out its supervisory responsibilities, the Commission had information in its possession indicating that you may be one of the "Unknown Respondents" who violated the Federal Election Campaign Act of 1971, as amended, as described above."

On January 24, 2012, after reviewing all the available information, the Commission substituted your name in place of "Unknown Respondent" in its previous reason to believe finding that "Unknown Respondents" violated 2 U.S.C. § 441f. The Factual and Legal Analysis, which more fully explains the Commission's finding, is attached for your information.

You may submit any factual or legal materials that you believe is relevant to the Commission's consideration of this matter. Please submit such materials to the General Counsel's Office within 15 days of the receipt of this letter. When appropriate, statements should be submitted under oath. In the absence of additional information, the Commission may find probable cause to believe that a violation has occurred and proceed with conciliation.

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Requests for extensions of time will not be routinely granted. Requests must be made in writing at least five days prior to the due date of the response and specific good cause must be demonstrated. In addition, the Office of the General Counsel ordinarily will not give extensions beyond 20 days.

Please note that you have a legal obligation to preserve all documents, records and materials relating to this matter until such time as you are notified that the Commission has closed its file in this matter. See 18 U.S.C. § 1519.

This matter will remain confidential in accordance with 2 U.S.C. §§ 437g(a)(4)(B) and 437g(a)(12)(A), unless you notify the Commission in writing that you wish the investigation to be made public. For your information, I have enclosed a brief description of the Commission's preliminary procedures for processing possible violations discovered by the Commission. If you intend to be represented by legal counsel in this matter, please advise the Commission by completing the enclosed form stating the name, address and telephone number of such counsel, and authorizing such counsel to receive any notifications and other communications from the Commission.

If you have any questions, please contact Marianne Abely or Audra Hale Maddox, the attorneys assigned to this matter, at (202) 694-1650.

On behalf of the Commission,



Caroline C. Hunter  
Chair

Enclosures  
Factual and Legal Analysis

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1 **FEDERAL ELECTION COMMISSION**

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3 **FACTUAL AND LEGAL ANALYSIS**

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5 **RESPONDENT: Ena Breau**

**MUR 6234**

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8 **I. INTRODUCTION**

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10 This matter was generated based on information ascertained by the Federal Election  
11 Commission ("the Commission") in the normal course of carrying out its supervisory  
12 responsibilities. See 2 U.S.C. § 437g(a)(2). On May 14, 2008, Friends of Mary Landrieu, Inc.  
13 ("Landrieu Committee") received six sequentially numbered cashier's checks, totaling \$25,300,  
14 issued by Whitney National Bank ("Bank"). At some point after receiving these funds, the  
15 Landrieu Committee attempted to confirm the legality of each contribution by contacting the 11  
16 individuals listed as remitters on the six cashier's checks. The Commission has information that  
17 the Landrieu Committee received various responses from the alleged contributors ranging from  
18 denial of any knowledge of a contribution to signed Contributor Information Forms verifying  
19 that the contributions were personal contributions drawn on a personal/joint checking account  
20 containing personal funds. One of the putative contributors disclaimed any knowledge of  
21 making any contributions to the Landrieu Committee. After receiving responses to its inquiries,  
22 the Landrieu Committee disgorged the \$25,300 to the U.S. Treasury because it suspected that the  
23 funds may have come from a prohibited source or may have been made by a person other than  
24 the listed remitter.

25 Based on the information outlined above, the Commission found reason to believe that  
26 Unknown Respondents may have violated 2 U.S.C. §§ 441a(a)(1)(A), 441a(a)(3), 441b and 441f.  
27 This matter was generated based on information ascertained by the Federal Election Commission

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1 ("the Commission") in the normal course of carrying out its supervisory responsibilities. *See*  
2 2 U.S.C. § 437g(a)(2).

3 **II. FACTUAL AND LEGAL ANALYSIS**

4 **A. Factual Summary**

5 The Commission has information that the Landrieu Committee approached C. Berwick  
6 Duval in the spring of 2008 and asked him to raise funds for the campaign. The Commission  
7 also has information that after failing to meet a fundraising deadline of March 30, and after an  
8 inquiry from the Landrieu Committee, Duval informed the Landrieu Committee that he would  
9 shortly forward the contributions to the campaign. The available information also indicates that,  
10 a few days later, on May 14, the Landrieu Committee received a FedEx envelope containing six  
11 sequentially numbered cashier's checks. The Commission has information showing that Duval  
12 raised these funds from Arlen B. Cenac, Jr. ("Cenac"), who was a friend and client. Cenac is the  
13 president and sole owner of Cenac Towing Co., LLC, the successor-in-interest to Cenac Towing  
14 Co., Inc. ("Cenac Towing"), and he is the sole owner of numerous other related companies  
15 headquartered in Houma, Louisiana.

16 The Commission has information that, on April 24, 2008, Cenac arranged to obtain the  
17 six subject cashier's checks by calling the Bank's Houma branch. The available information  
18 indicates that Cenac's secretary arrived at the Bank shortly after Cenac's telephone call with  
19 written instructions and a personal check from Cenac in the amount of \$25,300. These  
20 instructions directed the Bank to prepare six cashier's checks (totaling \$25,300) made payable to  
21 Friends of Mary Landrieu, and listed the names and addresses of the "remitters" and the specific  
22 amounts to appear on each check. The listed "remitters" included Mr. & Mrs. Travis Breaux  
23 (\$4,600). The Commission has information that Cenac's secretary collected the six cashier's

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1 checks and the written instructions from the Bank on the same day as the checks were purchased,  
2 April 24, 2008. The Commission also has information that Cenac delivered the cashier's checks  
3 to Duval, who in turn forwarded them to the Landrieu Committee.

4 Ena Breaux signed the Committee's Contributor Information Form verifying that her  
5 contribution was drawn on a personal/joint checking account containing personal funds. The  
6 form also stated that \$2,300 of the \$4,600 contribution should be attributed to her. The form also  
7 listed the number of the check attributed to Mrs. Breaux and showed the date of receipt, May 14,  
8 2008. However, the information in the Commission's possession indicates that the subject  
9 cashier's check was purchased by Cenac with funds drawn from a personal checking account he  
10 has with the Bank. During the relevant time period, Ena Breaux's spouse was employed as a  
11 manager with Southern Fabrications, LLC, a Cenac company.

#### 12 B. Legal Analysis

13 The Federal Election Campaign Act of 1971, as amended, ("the Act") provides that no  
14 person shall make a contribution in the name of another person, or knowingly permit his or her  
15 name to be used to effect such a contribution. 2 U.S.C. § 441f; *see also* 11 C.F.R.

16 § 110.4(b)(1)(ii). This prohibition also applies to any person knowingly helping or assisting any  
17 person in making a contribution in the name of another, including "those who initiate or instigate  
18 or have some significant participation in a plan or scheme to make a contribution in the name of  
19 another..." 11 C.F.R. § 110.4(b)(1)(iii); Explanation and Justification for 11 C.F.R.

20 § 110.4(b)(1)(iii) at 54 Fed. Reg. 34,105 (1989).

21 The information in the Commission's possession indicates that Cenac used his personal  
22 funds to make the \$2,300 contribution attributed to Ena Breaux. It appears that Breaux permitted  
23 her name to be used to make a contribution in the name of another by falsely verifying that this

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- 1 contribution was a personal contribution drawn on a personal/joint checking account containing
- 2 personal funds. 2 U.S.C. § 441f. Accordingly, the Commission is substituting Ena Breaux's
- 3 name in place of "Unknown Respondent" in the Commission's previous finding of reason to
- 4 believe. 2 U.S.C. § 441f.

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